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*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DESERT SURVIVORS, et al.,	) No. 3:20-cv-06787-JSC
	)
Plaintiffs,	) <b>JOINT STIPULATION TO AMEND</b>
	) <b>DEADLINE FOR PLAINTIFFS' MOTION</b>
v.	) <b>FOR ATTORNEYS' FEES AND COSTS</b>
	)
UNITED STATES DEPARTMENT OF THE	)
INTERIOR, et al.,	)
	)
Defendants.	)
	)

Pursuant to the Court's June 23, 2022 Order Granting Plaintiffs' Unopposed Motion to Enlarge Time to File Motion for Costs and Attorneys' Fees Under the Endangered Species Act, the deadline for Plaintiffs to file any motion to recover costs and attorneys' fees under the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g), was enlarged to August 15, 2022. ECF No. 45. Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B), Plaintiff shall submit to the Court any application for fees and other expenses under EAJA within thirty days of "final judgment" in the action, which is defined as "a judgment that is final and not appealable," *id.* § 2412(d)(2)(G). On July 15, 2022, Defendants filed a Notice of Appeal, ECF No. 46, noticing their appeal to the United States Court of Appeals for the Ninth Circuit from the Court's judgment in this action, ECF No. 42, and its underlying order granting Plaintiffs' motion for summary judgment and denying Defendants' motion for summary judgment, ECF No. 41.

Plaintiffs and Defendants are currently discussing attorneys' fees and costs and believe that it would be beneficial to extend Plaintiffs' deadline to file a motion for attorneys' fees and costs under the ESA, and to amend Plaintiffs' deadline to file a motion for attorneys' fees and costs under EAJA so that the two deadlines are aligned.

Accordingly, Plaintiffs and Defendants hereby stipulate to amending Plaintiffs' deadline to file a motion for attorneys' fees and costs under the ESA and EAJA to Friday, October 28, 2022, and jointly request that the Court enter an order granting the amended deadline.

By joining this stipulation, Defendants do not agree that Plaintiffs are entitled to recover attorneys' fees and costs in this case, or to the amount of any such fees and costs, and Defendants also do not waive any objection or defense they may have to Plaintiffs' claim for attorneys' fees and costs.

Dated: July 26, 2022

Respectfully submitted,

TODD KIM, Assistant Attorney General  
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/s/ Michelle M. Spatz

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2022, I electronically filed the foregoing Joint Stipulation to Extend Deadline for Plaintiffs' Motion for Attorneys' Fees and Costs with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Michelle M. Spatz

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